

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**EUGENE MILLER, JR.**, Individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

**LENDING TREE, LLC**, a North Carolina  
Limited Liability Corporation,

Defendant.

No. 1:08-cv-2300

Honorable Judge James B. Zagel

**NOTICE OF MOTION**

TO: Larry D. Drury [ldrurylaw@aol.com](mailto:ldrurylaw@aol.com)  
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PLEASE TAKE NOTICE that on Thursday, June 26, 2008, at 10:15 a.m., or as soon thereafter as counsel may be heard, we shall appear before Honorable Judge James B. Zagel, or any other judge sitting in his stead, in Courtroom 2503 in the United States District Court for the Northern District of Illinois, Eastern Division, and shall then and there present **MOTION TO DISMISS UNDER FEDERAL RULES OF CIVIL PROCEDURE 12(B)(6) AND 12(B)(3)**, a copy of which is hereby served upon you.

Dated: June 23, 2008

Respectfully submitted,

**LENDING TREE, LLC,**  
*Defendant*

By: /s/ David Z. Smith  
One of Its Attorneys

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 23, 2008, I electronically filed the foregoing **MOTION TO DISMISS UNDER FEDERAL RULES OF CIVIL PROCEDURE 12(B)(6) AND 12(B)(3); MEMORANDUM IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS UNDER FEDERAL RULES OF CIVIL PROCEDURE 12(B)(6) AND 12(B)(3) and NOTICE OF MOTION** with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to the following:

Larry Daniel Drury, [ldrurylaw@aol.com](mailto:ldrurylaw@aol.com)  
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